

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.7905 of 2010

Date of decision:10.05.2010

**Dharambir Singh and another .Petitioners versus
State of Haryana and others Respondents CORAM:
HON'BLE MR. JUSTICE K. KANNAN**

Present: Mr. Vipin Yadav, Advocate, for the petitioners. -----

- 1. Whether reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the reporters or not?**
- 3. Whether the judgment should be reported in the digest? -----**

K.Kannan, J (Oral)

1. The petitioners challenge the decision of the State Information Commission imposing a penalty of Rs.10,000/- for non- furnishing of the information within reasonable time. The admitted case is that the application has been made seeking for certain information by the 3rd respondent on 24.12.2007. The 1st petitioner, who was the Public Information Officer, appears to have directed the 2nd petitioner to supply the information. Several communications for two months which have been filed before the Court point out to the fact that the Sarpanch was taking his time and he had not supplied the information. On 17.03.2008, the 2nd petitioner appears to have informed 3rd respondent that the information was ready and he could come and collect the information. Civil Writ Petition No.7905 of 2010 -2- The 3rd respondent, however, preferred an appeal to the State information Commissioner on 19.03.2008 still complaining that the information had not been supplied.

2. The learned counsel appearing for the petitioners states that the notice dated 17.03.2008 purporting to inform the 3rd respondent that the records were available and the 3rd respondent could collect, was not, however, served on the 3rd respondent since the Chowkidar, who went to his house found the 3rd respondent was not present in the house and his wife was not prepared to

receive the information. It is, therefore, an admitted fact that till the appeal was filed on 19.03.2008 before the State Information Commission, the records were not furnished to the 3rd respondent.

3. The learned counsel has two justifications for non-supply of information: (i) he had given sufficient instruction to the Sarpanch to give the information and he had not immediately complied the same; (ii) the documents which the 3rd respondent had wanted were voluminous, but the 3rd respondent was not prepared to make the payment demanded by him. I do not find at any time a defence taken that the 3rd respondent was not willing to defray the expenses for preparation of copies. On the other hand, the contention always had been that the Sarpanch had not complied with the directions which he had given. If the 1st petitioner's status as the Public Information Officer is admitted, the responsibility for any lapse on the part of his subordinate, which ultimately entails in delaying the supply of information, shall also be borne by him. It may be possible for the 1st petitioner to take action against his subordinate officer for not helping him to discharge his duty as a Public Information Officer by meticulously complying with a demand for information that the 3rd respondent had made. However, it shall not exculpate the petitioners from a complaint of enormous delay in the supply of information made by a member of public. The learned counsel also pleads that many of the information which the respondent was seeking were general and they did not concern the 3rd respondent at all. The Right to Information Act itself does not require a person to give any reason for the information that a person seeks. It shall, therefore, be an irrelevant issue for consideration. The long and the short story is that an information that was sought, was not given immediately and the State Information Commission was, therefore, imposing a penalty of Rs.10,000/-. The power to impose penalty obtains under Section 20 of the Right to Information Act and if it is duly exercised unless it is shown to be illegal or without consideration of appropriate facts, there is no scope for intervention. The writ petition is, therefore, dismissed.

(K.KANNAN)

JUDGE

10.05.2010

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